

Message Text

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ACTION EB-12

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03 DRC-01 /063 W
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P 041702Z OCT 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 4682

UNCLAS OTTAWA 3241

EO 11652 NA

TAGS EAIR CA

SUBJ CIVAIR: NONSCHEDULED AIR SERVICES

REFS STATE 200604; STATE 181398

FOLLOWING IS TEXT OF CANADIAN REPLY (NOTE NO. ECT-1515)
TO US NOTE OF AUGUST 27:

BEGIN TEXT. THE DEPARTMENT OF EXTERNAL AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOUR TO REFER TO ITS NOTE NO. 158 CONCERNING CONSIDERATION BY THE AIRTRANSPORT COMMITTEE OF APPLICATIONS BY UNITED STATES AIR CARRIERS AFTER OCTOBER 15, 1974. WHILE THE AIR TRANSPORT COMMITTEE HAS ESTABLISHED OCTOBER 15, 1974 AS A DATE BEYOND WHICH IT WILL NOT CONSIDER APPLICATIONS BY UNITED STATES AIR CARRIERS OR PERMIT AIR TAXI OPERATORS TO CONDUCT NON-SCHEDULED FLIGHTS BETWEEN THE U.S. AND CANADA, UNLESS THEY ARE DESIGNATED BY THE U.S., IT WILL OF COURSE LICENSE ADDITIONAL U.S. AIR CARRIERS WHICH MAY BE DESIGNATED SUBSEQUENT TO OCTOBER 15, 1974, AS PROVIDED FOR IN THE AGREEMENT, ACCORDINGLY, THE AIR TRANSPORT COMMITTEE IS NOT PREPARED TO EXTEND THE OCTOBER 15 DATE.

WITH RESPECT TO THE REQUEST FOR CONTINUED AUTHORITY
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FOR CERTAIN U.S. SCHEDULED AIRLINES AND SUPPLEMENTARY

AIR CARRIERS WHICH ARE NOT DESIGNATED BUT WHICH MAY WISH TO OPERATE OCCASIONAL TRANSBORDER CHARTER FLIGHTS, IT WAS THE UNDERSTANDING OF THE GOVERNMENT OF CANADA THAT THE INTENT OF THE AGREEMENT WAS TO EMBRACE ALL COMMERCIAL AIR SERVICES, PARTICULARLY SINCE THE AGREEMENT DOES NOT PRECLUDE THE DESIGNATION OF AIR CARRIERS WITH RESTRICTED AUTHORITY. THE CANADIAN AERONAUTICAL AUTHORITIES ARE THEREFORE NOT PREPARED TO AUTHORIZE SCHEDULED AIRLINES AND SUPPLEMENTAL AIR CARRIERS UNLESS DESIGNATED BY THE GOVERNMENT OF THE UNITED STATES TO OPERATE NON-SCHEDULED FLIGHTS BETWEEN CANADA AND THE UNITED STATES PURSUANT TO THE NON-SCHEDULED AIR SERVICES AGREEMENT. WHILE CONTRACT OPERATORS AND AIR TRAVEL CLUBS DO NOT FALL WITHIN THE JURISDICTION OF THE CIVIL AERONAUTICS BOARD SUCH OPERATORS ARE CONSIDERED TO BE COMMERCIAL AIR CARRIERS WITHIN CANADIAN LAW, AND THEREFORE HAVE NO ENTITLEMENT TO OPERATE CHARTERS BETWEEN THE UNITED STATES AND CANADA UNLESS DESIGNATED BY THE GOVERNMENT OF THE UNITED STATES AND LICENSED BY THE CANADIAN AIR TRANSPORT COMMITTEE. HOWEVER, THE AIR TRANSPORT COMMITTEE RECOGNIZES THAT SUCH ENTITIES HAVE IN THE PAST BEEN AUTHORIZED TO OPERATE BETWEEN THE U.S. AND CANADA FROM TIME TO TIME, AND IN RECOGNITION OF THE PARTICULAR CIRCUMSTANCES SET OUT IN U.S. NOTE NO. 158 WILL CONTINUE UNTIL FURTHER NOTICE TO MAINTAIN SUCH ENTITIES ON THE ELIGIBLE LIST AND TO CONSIDER ON THEIR MERITS APPLICATIONS FOR PERMISSION TO CONDUCT CHARTER FLIGHTS RESTRICTED IN THE CASE OF AIR TRAVEL CLUBS TO GROUPS OF MEMBERS ORIGINATING IN THE U.S. NO CHARTERS MAY BE OPERATED INTO OR OUT OF CANADA UNDER THIS EXCEPTION WITHOUT PRIOR APPROVAL OF THE AIR TRANSPORT COMMITTEE AND APPLICATIONS FOR CHARTERS ORIGINATING IN CANADA WILL BE SUBJECT TO THE PRIMARY RIGHTS PROVISIONS. THE DEPARTMENT OF EXTERNAL AFFAIRS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

OTTAWA, SEPTEMBER 30, 1974. END TEXT.

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